

EXHIBIT A

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN		SUMMONS	CASE NO. 2020-08481 -NI
17TH	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		

Court address
180 Ottawa Ave., NW, Ste. 2400, Grand Rapids, MI 49503

Court telephone no.
(616) 632-5220

Plaintiff's name(s), address(es), and telephone no(s). ANDREW INBODY	v	Defendant's name(s), address(es), and telephone no(s). MENARD, INC. Resident Agent: TIMOTHY J ROESNER 10154 VAN VLEET GAINES, MI 48436
Plaintiff's attorney, bar no., address, and telephone no. STEPHEN R. BOEHRINGER (P65482) THE SAM BERNSTEIN LAW FIRM 1787 Grand Ridge Ct., NE, Ste. 202 Grand Rapids, MI 49525 (616) 333-0313		PAUL J. DENENFELD

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☒ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date NOV 10 2020	Expiration date* FEB 09 2021	Court clerk LISA POSTHUMUS LYONS
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

PROOF OF SERVICE**SUMMONS**

Case No. 2020-

-NI

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A](2)), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with

List all documents served with the summons and complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee
\$		\$
Incorrect address fee	Miles traveled	Fee
\$		\$
		TOTAL FEE
		\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

on _____
Day, date, time

Signature _____ on behalf of _____

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

ANDREW INBODY,

Plaintiff,

v.

MENARD, INC.,

Defendant.

Case No. 20 - 08481 -NI

Hon.

PAUL J. DENENFELD

COMPLAINT & JURY DEMAND

STEPHEN R. BOEHRINGER (P65482)

THE SAM BERNSTEIN LAW FIRM

Attorney for the Plaintiff

1787 Grand Ridge Court NE, Ste. 202

Grand Rapids, MI 49525

(616) 333-0313

sboehringer@sambernstein.com

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after being assigned to a judge in this Court.

COMPLAINT AND JURY DEMAND

The Plaintiff, ANDREW INBODY, through his attorneys, THE SAM BERNSTEIN LAW FIRM, states for his cause of action against the Defendant, Menard, Inc., as follows:

JURISDICTION & VENUE

1. The Plaintiff, Andrew Inbody, is a resident of the County of Kent, State of Michigan.

THE
SAM BERNSTEIN
LAW FIRM

31731 NORTHWESTERN HIGHWAY

SUITE 333

FARMINGTON HILLS,

MICHIGAN 48334-1668

(800) 225-5726

A PROFESSIONAL LIMITED
LIABILITY COMPANY

2. Defendant, Menard, Inc., is a Wisconsin corporation, with a business location at 5555 Clyde Park Avenue SW, Wyoming, Michigan 49509, and a resident agent named the United States Corporation Company, 601 Abbot Road, East Lansing, MI 48823.

3. All the acts, transactions and occurrences giving rise to this litigation arose in the City of Wyoming, County of Kent, State of Michigan on February 9, 2019.

4. The amount in controversy in this litigation exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

NEGLIGENCE

5. The Plaintiff restates and reaffirms the allegations it set forth in the preceding 4 paragraphs of this Complaint as though fully restated herein.

6. On or about the February 9, 2019, the Defendant was the owner, operator and/or in control of a retail store located at 5555 Clyde Park Avenue SW, Wyoming, Michigan 49509 (hereinafter "the Defendant's Store").

7. The Plaintiff was a customer at the Defendant's Store on February 9, 2019.

8. The Defendant had employees working at the Defendant's Store.

9. At the Defendant's Store, the Defendant's employees operate fork-lift trucks.

10. The Defendant's employees owed the Plaintiff and other customers certain duties of reasonable care in the performance of their job at the Defendant's Store.

11. In total disregard of such duties the Defendant and its employees breached said duties in one or more of the following ways, including, but not limited to:

- (a) Negligently, carelessly and recklessly failing to properly operate and position the fork-lift, and operating same in such a way where it was known or should have been known in the exercise of reasonable care that said fork-lift would strike and/or injure individuals, like the Plaintiff, while in the Defendant's Store;

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- (b) Negligently, carelessly and recklessly operating the fork-lift in a dangerous position which allowed it to strike and/or injure the Plaintiff;
- (c) Negligently, carelessly and recklessly failing to make proper observation while operating the fork-lift;
- (d) Negligently, carelessly and recklessly failing to warn the Plaintiff of the presence of and operation of the fork-lift;
- (e) Negligently, carelessly and recklessly maintaining creating a dangerous situation by failing to utilize proper safety equipment;
- (f) Negligently, carelessly and recklessly maintaining a dangerous condition by failing to maintain proper safety equipment upon the fork-lift;
- (g) Failing to properly train its employees;
- (h) Failing to create or adhere to safety precautions;
- (i) Negligently, carelessly and recklessly failing to keep the fork-lift fit for the foreseeable uses and in proper repair;
- (j) Negligently, carelessly and recklessly causing the fork-lift to strike the Plaintiff;
- (k) Negligently, carelessly and recklessly failing to use reasonable care to protect the Plaintiffs from and against the hazards of the fork-lift;
- (l) Negligently, carelessly and recklessly allowing said fork-lift to become and remain in poor repair;
- (m) Negligently, carelessly and recklessly failing to inspect said fork-lift so as to discover a dangerous condition of which Defendant knew or had reason to know existed;
- (n) Negligently, carelessly and recklessly failing to alleviate a dangerous condition which Defendant caused or knew or had reason to know existed;
- (o) Negligently, carelessly and recklessly failing to warn the Plaintiff and those persons like Plaintiff of the dangerous conditions then and there existing;
- (p) In otherwise negligently, carelessly and recklessly failing to exert that degree of care, caution and diligence as would be demonstrated by a reasonable prudent person under the same or similar circumstances and in

otherwise causing the injuries and damages to Plaintiff as hereinafter alleged;

- (q) Negligently, carelessly and recklessly being guilty of other acts or negligence currently unknown to Plaintiff but, which will be ascertained through the discovery process.

12. As a direct and proximate result of the negligent acts and/or omissions on the part of the Defendant and the Defendant's employees, the Plaintiff was struck by a fork-lift operated by the Defendant's employees.

13. As a direct and [proximate result of being struck by the Defendant's fork-lift, the Plaintiff sustained severe injuries, the full extent and character of which may not currently be known, but which include, but are not necessarily limited to:

- (a) Injuries to his right wrist and sequelae;
- (b) Injuries to his low back and sequelae;
- (c) Injuries to his fingers and sequelae;
- (d) Pain, suffering, discomfort, disability, extreme physical and emotional suffering;
- (e) Stress, anxiety, and tension;
- (f) Loss of the natural enjoyments of life;
- (g) Loss of wages and/or earning capacity; and
- (h) Financial loss due to medical costs for treatment, services, medicines, appliances, etc.

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THEREFORE, the Plaintiff, Andrew Inbody, respectfully requests that this Honorable Court award him damages against the Defendant, Menard, Inc., in whatever amount to which he is entitled to receive, together with costs, interest and attorney fees.

THE SAM BERNSTEIN LAW FIRM

/s/ Stephen R. Boehringer
STEPHEN R. BOEHRINGER (P65482)
Attorney for Plaintiff
1787 Grand Ridge Court NE, Ste. 202
Grand Rapids, MI 49525
(616) 333-0313

Dated: November 5, 2020

JURY DEMAND

The Plaintiff, ANDREW INBODY, through his attorneys, THE SAM BERNSTEIN LAW FIRM, PLLC, respectfully requests a Trial by Jury in the above-entitled cause of action.

THE SAM BERNSTEIN LAW FIRM

/s/ Stephen R. Boehringer
STEPHEN R. BOEHRINGER (P65482)
Attorney for Plaintiff
1787 Grand Ridge Court NE, Ste. 202
Grand Rapids, MI 49525
(616) 333-0313

Dated: November 5, 2020

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